

REMARKS/ARGUMENTS:

REMARKS:

Examiner's Rejections:

The examiner rejected claims 1 and 10 under 35 USC §102(b) as being anticipated by US Patent 4,091,943 by Bay-Schmith. The examiner also rejected claims 1 and 10 under 35 USC §103(a) as being unpatentable over US Patent 4,459,075 by Eichenberger in view of US Patent 5,288,193 by Warburton et al. The examiner also stated that for purposes of 35 USC §103(a), the additional limitations of claims 2, 3, 4, 5, 7, 9, 11, 12, 13, 14 and 18 are taught by Eichenberger. The examiner rejected claims 6, 8, 15 and 17 under 35 USC §103(a) as being unpatentable over Eichenberger in view of Warburton et al further in view of US Patent 4,343,028 by Van Dusen. The examiner also rejected claims 19-26 under 35 USC §103(a) as being unpatentable over US Patent 5,899,652 by Graham in view of Eichenberger and in view of Warburton et al.

Amendments to the Claims:

Independent claim 1 has been amended to add a "a support leg disposed toward the distal end of the loading frame for supporting the distal end thereof". Independent claim 10 has been amended to add "a support leg disposed toward the distal end of the first member for supporting the distal end of thereof". Independent claim 19 has been amended to add "a support leg fixed to the distal end of said loading frame for supporting the distal end thereof". Independent claim 23 has been amended to add the same element of "a support leg disposed toward the outward

end of said first member for supporting the outward end of said first member”. Claims 1, 10, 19 and 23 have also been amended to correct informalities.

Claims 1 and 10, §102(b), Bay-Schmith

Bay-Schmith teaches an articulated loading arm 14 which is “swingably mounted on a substantially vertical column 19”. (See US Patent 4,091,943 Col. 3, lines 55-65.) As can be seen in US Patent 4,091,943 by Bay-Schmith, substantially vertical column 19 is mounted to truck 10 for rotation about a vertical axis. The bale loader taught and claimed by the applicant includes a loading frame which engages the bale carrier (truck) such that the loading frame pivots about a substantially horizontal axis and parallel to the longitudinal axis of the bale carrier (truck). The axis of rotation for the interface between loading arm 14 and truck 10 in Bay-Schmith is neither horizontal nor parallel to the longitudinal axis of truck 10. Accordingly, the applicant respectfully submits that neither claims 1 or 10 are anticipated by the teachings of Bay-Schmith. The applicant further submits that since Bay-Schmith does not teach the use of an outboard support leg, claims 1 and 10 as amended are not anticipated by Bay-Schmith.

Claims 1 and 10, §103(a), Eichenberger in view of Warburton et al.

The examiner notes with this rejection that Eichenberger “does not teach the grasping means as pivoting about an axis perpendicular to the longitudinal axis of the bale carrier.” The examiner states that Warburton et al. provides this missing element by teaching a grasper that pivots about an axis (54) that is perpendicular to the bed of the bale carrier. (See Office Action page 4, lines 9-20). Applicant respectfully submits that the grasper arm of Warburton et al. is not mounted for rotation about its own axis, rather the grasper arm (50) of Warburton et al. is

mounted for rotation about an axis (54) that is perpendicular to the axis of the grasper arm (50). Claims 1 and 10 of this application define a structure including a second member which has a longitudinal axis. That longitudinal axis of the second member is rotatably and pivotally engaged with the distal end of a first member. The second member pivots about a second axis which is normal to the longitudinal axis of the second member and parallel to the pivot axis of the first member. However, the second member of the applicant's structure is also rotatably mounted to the distal end of the first member for rotation about its own longitudinal axis. With this structure, the manipulation of a large rectangular hay bale as shown in Figs. 7 - 11 of the application and particularly in Figs. 8 and 9 can be accomplished. Warburton et al. fail to provide the teaching missing from Eichenberger needed to complete the invention and provide a means for manipulating a large rectangular hay bale as shown in Figs. 7-11. Moreover, neither Eichenberger or Warburton et al teach the addition of a support leg for supporting the outward end of a first member. Accordingly, applicant respectfully submits that claims 1 and 10 as amended are allowable.

Claims 2-9, 11-18, §103(a) Obviousness Rejections

The applicant submits that base claims 1 and 10, as amended, claim allowable subject matter. Accordingly, the applicant also submits that claims 2-9, and 11-18 now claim allowable subject matter.

Appl. No. 10/701,021
Amdt. dated December 14, 2005
Reply to Office action of July 14, 2005

Claims 19-26, §103(a), Graham in view of Eichenberger and Warburton et al.

The examiner also rejected claims 19-26 under 35 USC §103(a) as being unpatentable over Graham in view of Eichenberger and in view of Warburton et al.. As noted above in applicant's response to the rejection of claims 1 and 10 under Eichenberger and Warburton et al., the grasper arm of Warburton et al. is not mounted for rotation about its own axis as is described and claimed by the applicant. Moreover, applicant has amended claim 19 to include the element of a support leg for supporting the outward end of the first member. Neither Eichenberger or Warburton et al teach the addition of a support leg for supporting the outward end of a first member. Accordingly, applicant submits that claim 19 as amended is allowable and that claims 20-26 are also allowable.

In view of the foregoing applicant respectfully requests that a Notice of Allowance be issued in this case. Our check is enclosed for the two-month extension fee (small entity).

Respectfully submitted,



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